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Nigeria: Requirements and procedures an adult must fulfill to obtain a birth certificate, including for those who apply from within the country and from abroad
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The National Population Commission (NPC), established by the federal government in 1988, is mandated to "collect, analyze and disseminate population/demographic data in the country" (Nigeria n.d.c). In 1992, Nigeria's *Compulsory Registration of Births and Deaths Decree No. 69* gave the NPC the authority to register births (UN July 2007; Nigeria n.d.b) and issue related certificates (ibid.). The NPC is headquartered in the Federal Capital Territory and has 36 state offices (ibid. 13 July 2011), as well as offices in local government areas (ibid. n.d.c). The NPC is the only agency that is allowed to register births in Nigeria (UN 9 Sept. 2008; Nigeria 21 July 2011). Births are registered through the NPC's Vital Registration Department (*This Day* 22 Feb. 2011).

Nigeria enacted the *Child Rights Act* in 2003 to incorporate into domestic law the international Convention on the Rights of the Child, which "prescribes the mandatory registration to give children an identity at birth" (UN 9 Sept. 2008). However, the United Nations Children's Fund (UNICEF) reports that in 2008, only 16 of Nigeria's 36 states had enacted the legislation (ibid.). As a result, the law had not been "translated into birth registration on a massive scale" (ibid.). According to news articles published between 2007 and 2008, approximately 30 percent of children born in Nigeria are registered at birth (*This Day* 3 Sept. 2007; UN 9 Sept. 2008). In 2010, a UNICEF official stated that about 15 percent of children under the age of five are registered in Lagos, Abuja, Imo, Calabar and other northern states; in southern states, the number of registered children drops to two or three percent (*Vanguard* 8 June 2010). In 2011, the Chairman of the NPC stated that "currently about 65 per cent of the estimated five million children born in the country annually have not been registered" (*This Day* 22 Feb. 2011).

In a telephone interview with the Research Directorate, the Deputy Director of the NPC's Vital Registration Department stated that people must register the birth of their child within 60 days of birth, after which there will be a penalty (Nigeria 13 July 2011). However, the penalty is being waived and has never been implemented because the NPC wants to expand the coverage of birth registration (ibid.). Currently, the NPC is in partnership with UNICEF to register and give free birth certificates to people under 18 years of age (ibid.).

Procedure for an Adult to Obtain a Birth Certificate

Several Nigerian officials provided the Research Directorate with conflicting information on how to obtain a birth certificate as follows (Nigeria 13 July 2011; ibid. 25 July 2011; ibid. 5 July 2011).

Birth certificates vs. attestation letters

According to the Deputy Director of the NPC's Vital Registration Department, only individuals under the age of 18 can obtain a birth certificate (Nigeria 13 July 2011). Adults over the age of 18 can only obtain an attestation letter (ibid.), a "legal document issued to back up the Age Declaration Affidavit of an individual who is over eighteen years of age" (ibid. n.d.a). (See a sample attestation letter sent to the Research Directorate by the Deputy Director attached to this Response [Nigeria n.d.b].) Attestation letters currently cost 2,000 Nairas (NGN) (1.00 NGN = 0.006 Canadian dollars [Oanda 18 July 2011]), though this fee is "subject to review at anytime" (Nigeria n.d.a).

A representative of the Special Fraud Unit of the Nigerian Police Force informed the Canadian mission in Nigeria that adults born before 1988 when the NPC was established "can not have a birth certificate issued by NPC" (ibid. 21 July 2011). The Special Fraud Unit representative added information in a follow-up telephone interview with the Research Directorate that contrasts with the NPC Deputy Director when he said that adults born before the NPC's establishment are also unable to obtain attestation letters (ibid. 25 July 2011). Instead, the only birth document that such adults can obtain is a sworn affidavit from the High Court of Justice (ibid.). Attestation letters are only given to people born after the establishment of the NPC if they had previously been issued a birth certificate that has been misplaced or damaged (ibid.). This is done because birth certificates cannot be issued twice (ibid.).

Procedure to obtain a birth document from inside Nigeria

According to the NPC Deputy Director, in order to obtain an attestation letter, an adult must first go to the High Court of Justice to make a declaration of age (Nigeria 13 July 2011), which is also referred to as a "sworn age declaration affidavit" (ibid. n.d.a). At the High Court of Justice, the applicant is asked to complete a form, which includes the individual's date of birth, place of birth, family, etc., as well as a statement saying that, at the time of his or her birth, the NPC did not exist (ibid. 13 July 2011). The fee required to obtain a declaration of age varies according to state (ibid.). In Abuja, it costs 500 NGN (ibid.). It usually takes one to two days to obtain a stamped declaration of age from the High Court of Justice (ibid.).

After obtaining the declaration of age, the applicant can go to one of the 774 local government areas to find out to which NPC state office they should go to obtain an attestation letter (ibid.). An attestation letter can only be obtained at an NPC state office (ibid.), since only the Chief Registrar of the state or of the Federal Capital Territory can sign for an attestation letter (ibid. n.d.a).

According to the NPC Deputy Director, at the NPC state office, the applicant must present his or her stamped declaration of age and four recent passport photographs (ibid. 13 July 2011). However, an NPC document sent by the Deputy Director to the Research Directorate indicates that only two recent photographs are required (ibid. n.d.a). The applicant must also complete forms asking for information such as age, place of birth, address, state, local government area, village, language, the reason for requiring the attestation, etc. (ibid. 13 July

2011). (See a sample copy of one such form attached to this Response [Nigeria n.d.d].) The Deputy Director indicated that the NPC asks the applicant for "a lot" of information before issuing an attestation letter (ibid.). The NPC then verifies the information by making inquiries (ibid.). If there are no delays, the applicant can expect to obtain the attestation letter within about one week (ibid.). But if the NPC is suspicious, it will conduct at least two weeks of inquiries, during which it could choose to verify whether the applicant has sworn an age declaration to the High Court of Justice (ibid.).

According to the NPC Deputy Director, the process to obtain an attestation letter does not include having to go to a hospital (Nigeria 13 July 2011). If the applicant was registered at a hospital but does not have a birth document, he or she should still go to the High Court of Justice to obtain a declaration of age before completing the process to obtain an attestation letter through an NPC state office (ibid.). In contrast, however, an official at the Nigerian High Commission in Ottawa told the Research Directorate in a telephone interview that to obtain a birth certificate, an applicant would have to retrieve a birth document directly from the hospital where he or she was born and then take it to the NPC (ibid. 5 July 2011). The High Commission official stated that after obtaining the birth document from the hospital and taking it to an NPC office, the individual would be asked to provide other identification and the office would record the individual's birth (ibid.).

The Nigerian Police Force's Special Fraud Unit representative also indicated that, if born after the NPC's establishment, the applicant must first obtain a birth document from the hospital in which he or she was born and present the document to the NPC (Nigeria 25 July 2011). If the applicant was not born in a hospital or a certificate was not issued when this person was born, he or she must get a sworn affidavit from the High Court of Justice, declaring that he or she was not registered at birth, and take the affidavit to the NPC to obtain a birth certificate (ibid.). The NPC would then take at least one week to verify the information, which includes checking with the court to ensure that the affidavit is authentic (ibid.).

As previously mentioned, the Special Fraud Unit representative indicated that the only birth document available to people born before the NPC's establishment in 1988 is a sworn affidavit from the High Court of Justice (ibid. 25 July 2011). To obtain a sworn affidavit, the applicant must provide information such as date of birth, place of birth, name of parents, current address, and proof of Nigerian citizenship, as well as a declaration stating that there are no records of his or her birth (ibid.). The individual must also provide a passport photograph of him or herself (ibid.). According to the representative, a sworn affidavit is an accepted document in Nigeria and is sufficient to obtain a passport (ibid.). The representative added that if persons born before the NPC's establishment were born in a hospital, they can also retrieve a birth document from the hospital providing that the hospital still exists and still has the birth records (ibid.).

Procedure to obtain a birth document from outside of Nigeria

According to the NPC's Vital Registration Department Deputy Director, individuals who live outside of Nigeria and want to obtain an attestation letter have two options: he or she can either travel to Nigeria and follow the standard process or provide someone in Nigeria with the information needed to go through the process as his or her proxy (Nigeria 13 July 2011). The Deputy Director indicated that the proxy may be a family member (mother, father, senior

brother, uncle, etc.) or a friend, but that he or she should be an adult (ibid.). The proxy must have all of the applicant's personal information, and must go through the same process described already to receive a declaration of age from the High Court of Justice and an attestation letter from an NPC state office (ibid.). A proxy pays the same fees that the applicant would pay if he or she was in Nigeria (ibid.).

The proxy must provide the NPC state office with four passport photographs of him or herself, which will remain on file, as well as four passport photographs of the applicant (ibid.). The applicant's photograph will appear in the attestation letter (ibid.). However, according to the NPC document provided by the Deputy Director, only two recent photographs of the applicant and one recent photograph of the proxy are required (ibid. n.d.a). The proxy must complete forms on behalf of the applicant, as well as complete a form asking for information about him or herself, including the proxy's relationship to the applicant, detailed information about the proxy, and the reason the proxy is trying to obtain an attestation letter for the applicant at this time (ibid. 13 July 2011). (See a copy of the form a proxy must complete about him or herself attached to this Response [Nigeria n.d.e].) The proxy must also present the declaration of age from the High Court of Justice to the NPC (ibid.).

According to the Nigerian High Commission official, a Nigerian citizen who lives outside of Nigeria must return to Nigeria to retrieve a birth document directly from the hospital at which he or she was born and take it to the NPC (Nigeria 5 July 2011). Conversely, the applicant's father or mother may be able to do this on his or her behalf (ibid.). The official said that the person permitted to retrieve the birth document from the hospital depends on the rules of the hospital, as every hospital is different (ibid.). If it is a large, official government hospital, only the mother or father can obtain the document on behalf of the applicant; however, if it is a small hospital or birthing centre, it is possible that other relatives may be allowed to retrieve it by proxy as well (ibid.). Once the birth document has been obtained, the proxy must take it to an NPC office (ibid.). The official added that the Nigerian High Commission in Ottawa does not deal with birth certificates and cannot help individuals to obtain birth certificates (ibid.).

According to the Special Fraud Unit representative, births are usually registered in Nigeria (Nigeria 25 July 2011). If a person born after the NPC's establishment in 1988 was born in a hospital, he or she must provide a hospital-issued birth document to the NPC (ibid.). But if the individual is outside Nigeria and unable to return to the country, the person's parents may swear an affidavit testifying about their relationship with the person for whom they want the birth certificate as well as to the place and time of birth (whether at home or in hospital) (ibid.). They must then take the document to the NPC stating that they need a birth certificate for their child (ibid.).

The Special Fraud Unit representative said that an applicant born before the establishment of the NPC must return to Nigeria to swear an affidavit testifying to the date he or she was born (ibid.). Only the applicant must sign his or her own sworn affidavit, as nobody is able to obtain a sworn affidavit for another person (ibid.). A Commissioner for Oaths will also interview the applicant, who must be the same person as that in the passport photograph (ibid.). Before 2006, the court did not require passport photographs for sworn affidavits, but as people "abused" the process, photographs became a requirement for every sworn affidavit (ibid.).

The Special Fraud Unit representative stated that before the NPC's establishment in 1988, hospitals used to issue birth certificates (Nigeria 25 July 2011). If the individual who was born before 1988 was born in a hospital and the hospital still exists and still keeps birth records, the individual or his or her parents, if still alive, may ask the hospital to re-issue a birth certificate (ibid.). In such a case, however, the individual cannot take re-issued birth certificate to the NPC (ibid.). If the individual was not born in a hospital, or was born in a hospital that no longer exists or does not have or re-issue birth records, the individual would have to return to Nigeria to obtain a sworn affidavit for him or herself (ibid.).

Delays and Obstacles to Obtaining an Attestation Letter

According to the NPC Deputy Director, if an NPC state office suspects that an applicant has "ulterior motives" for obtaining an attestation letter, such as to go overseas quickly or possibly being involved in trafficking, the NPC will delay the process to obtain more information and decide whether the individual is being genuine (Nigeria 13 July 2011). The NPC state office listens and weighs the information given, a process that could take two to three weeks (ibid.). If not satisfied with the answers provided, the NPC state office will not issue the applicant or the proxy an attestation letter (ibid.). According to the Deputy Director, the NPC is "very cautious" (ibid.). The Deputy Director stated that if the applicant or proxy does not give sufficient information about his or her reason for wanting the attestation letter, or the NPC officials remain unsatisfied, the officials will ask probing questions such as why the applicant wants the attestation letter at this time; where the applicant works; background information about the applicant; the village from which the applicant comes; to which people the applicant is related, and so on (ibid.). The NPC may also ask the proxy to provide it with the applicant's contact information, including mailing and email addresses (ibid.). Sometimes the NPC officials decide to call the applicant themselves (ibid.). The Deputy Director stated that some proxies have disappeared after the NPC asks to speak to the applicant directly (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Nigeria. 25 July 2011. Nigerian Police Force. Telephone interview with a representative of the Special Fraud Unit.

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an Attestation Letter." Sent to the Research Directorate by the Deputy Director of the Vital Registration Department on 18 July 2011.

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Vanguard [Lagos]. 8 June 2010. "Issues Concerning Children Are Central to Our Development, Says Unicef Official." (All Africa/Factiva)

Additional Sources Consulted

Oral sources: Attempts to contact representatives from the following organizations were unsuccessful: the Canadian Embassy in Lagos; the Embassy of Nigeria in Belgium; the Embassy of Nigeria in Cairo; the Embassy of Nigeria in Switzerland; the Nigeria High Commission in Australia; National Population Commission offices in the states of Abia, Adamawa, Abuja, Akwa Ibom, Anambra, Bayelsa, Bauchi, Benue, Borno, Cross-River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Lagos, Nasarawa, Niger, Ogun, Osun, Ondo, Oyo, Plateau, Rivers, Sokoto, Taraba, Yobe, and Zamfara; Ajeromi General Hospital; Albarka Hospital; Aiyeye Hospital and Maternity Home; Ajanaku Group of Hospitals; Ajayi Memorial Hospital; Al-Hassan Hospital Maternity Home; Amba Hospital; Asaju Medical Clinic; Asher Hospital and Maternity; Aso Koro Hospital; Atlantic Medical Centre Ltd.; Ayinke House Maternity Hospital; B.K. Ikiriko Memorial Hospital; Baby Choice Ltd.; Bimax Hospital and Maternity Home; Bio-Royal Hospital and Maternity Ltd.; Braithwaite Memorial Hospital; the Nigeria Ministry of Health; Nigeria Ministry of Information; and a lawyer.

Representatives from the Embassy of Nigeria in Germany, the Nigeria High

Commission in the United Kingdom, and United Nations Children's Fund in Nigeria were unable to provide information for this Response.

Internet sites, including: *Africa Confidential*, *AfricaFiles*, *Africa Research Bulletin*, *Afrik.com*, *allAfrica.com*, *European Country of Origin Information Network*, *The Nation*, *Nigerian Tribune*, *United Kingdom Border Agency*, *United States Department of State*.

Attachments

Nigeria. N.d.b. National Population Commission (NPC). "Sample." Sent to the Research Directorate by the Deputy Director of the Vital Registration Department on 18 July 2011.

_____. N.d.d. National Population Commission (NPC). "NB. for Applicant." Sent to the Research Directorate by the Deputy Director of the Vital Registration Department on 18 July 2011.

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